

(d) EXCEPTION.—The prohibitions under subsection (b) shall not apply to any collaborative study or research project in fields involving information that would not contribute substantially to the goals of the military-civil fusion strategy, as determined by the guidelines set by the Secretary of Defense.

(e) ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered entity described in subparagraph (B) or (C) of subsection (a)(2) that violates a prohibition under subsection (b) on or after the date of enactment of this Act shall be precluded from receiving any Federal financial assistance on or after the date of such violation.

(2) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of State, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, and the Secretary of Commerce, shall—

(A) promulgate regulations to enforce the prohibitions under subsection (b) and the requirement under paragraph (1); and

(B) coordinate with the heads of other Federal agencies to ensure the enforcement of such prohibitions and requirement.

**SA 4361.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1064. TRANSFER OF CERTAIN UNEXPENDED FUNDS RELATED TO AFGHANISTAN FOR THE PURPOSE OF BUILDING A RESILIENT DOMESTIC INDUSTRIAL BASE AND STRENGTHENING DEFENSE TECHNOLOGY INNOVATION.**

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) great power competition with the People's Republic of China will define the future of the 21st century;

(2) the People's Republic of China is a revisionist power that seek to upend the international system in ways that are inimical to United States national interests;

(3) great power competition with the People's Republic of China is global in nature and requires a whole-of-government response;

(4) resilient domestic manufacturing, a strong and advanced United States Navy, and an innovative economy are critical to succeeding in great power competition; and

(5) promoting and supporting new technological research and development will be necessary to maintain a competitive advantage and effectively combat hostile efforts by the Government of the People's Republic of China.

(b) TRANSFER.—

(1) IN GENERAL.—The President shall transfer to each of the following appropriations accounts for the following purposes an amount equal to one-third of the total amount rescinded under paragraph (2):

(A) The Defense Production Act purchases account for activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, 4533)

(B) The Shipbuilding and Conversion, Navy account of the Department of Defense.

(C) The research, development, test, and evaluation, Defense-wide account of the Department of Defense, to be available for the Defense Advanced Research Projects Agency to carry out projects related to strengthening the United States' global advantage in strategic technologies, which may include aerospace, robotics, artificial intelligence, information technology, new and advanced materials, biotechnology, advanced machinery, telecommunications, and energy and power generation.

(2) RESCISSION OF UNEXPENDED FUNDS DEDICATED TO MAINTAINING A MILITARY AND DIPLOMATIC PRESENCE IN AFGHANISTAN.—The following amounts are hereby rescinded:

(A) The unobligated balance of amounts made available to the Department of Defense for the Afghanistan Security Forces Fund.

(B) Of the unobligated balance of amounts made available to the Department of State for Diplomatic Programs, all remaining funds relating to maintaining United States diplomatic personnel in Afghanistan.

(C) Of the unobligated balance of amounts made available for the Economic Support Fund, all remaining funds relating to implementing and supporting comprehensive strategies to combat corruption in Afghanistan, and for the reintegration of former Taliban and other extremists.

(D) Of the unobligated balance of amounts made available to the Department of State for the International Narcotics Control and Law Enforcement Fund, all remaining funds relating to programs in Afghanistan.

(E) Of the unobligated balance of amounts made available to the Department of State for International Military Education and Training programs, all remaining funds relating to training personnel of the Afghan security forces.

**SA 4362.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. CONSUMER PROTECTIONS REGARDING COVERED FOREIGN SOFTWARE.**

(a) CONSUMER WARNING AND ACKNOWLEDGMENT FOR DOWNLOAD OF COVERED FOREIGN SOFTWARE.—

(1) IN GENERAL.—A software marketplace operator or an owner of covered foreign software may not:

(A) Permit a consumer to download covered foreign software unless, before the download begins—

(i) a warning that meets the requirements of paragraph (2) is displayed to the consumer, separately from any privacy policy, terms of service, or other notice; and

(ii) the consumer is required to choose (by taking an affirmative step such as clicking on a button) between the options of—

(I) acknowledging such warning and proceeding with the download; or

(II) cancelling the download.

(B) Make available covered foreign software for download by consumers unless the operator or owner has in place procedures to ensure compliance with subparagraph (A).

(2) REQUIREMENTS FOR WARNING.—The requirements of this paragraph are, with respect to a warning regarding covered foreign software—

(A) that the warning include—

(i) the name of the covered foreign software;

(ii) the name of each owner of the covered foreign software, and, if applicable with respect to each such owner, the name of the covered country—

(I) under the laws of which such owner is organized;

(II) in which such owner conducts its principal operations; or

(III) in which such owner is headquartered;

(iii) the name of each controlling entity of the owner of the covered foreign software, and if applicable with respect to each such controlling entity, the name of the covered country—

(I) under the laws of which such entity is organized;

(II) in which such entity conducts its principal operations; or

(III) in which such entity is headquartered;

(iv) any enumerated risk to data privacy and security or the censorship of speech associated with the laws and practices of a covered country disclosed under this subparagraph;

(v) whether the owner of a covered foreign software, or any controlling entity of such owner, has ever provided the data of United States consumers, as it relates to such software, to any law enforcement agency, intelligence agency, or other government entity of a covered country; and

(vi) a description of how to acknowledge the warning and either proceed with or cancel the download;

(B) that the warning be updated annually; and

(C) such other requirements as the Commission, in consultation with the Attorney General of the United States, shall determine.

(3) LIABILITY OF SOFTWARE OWNER.—If a software marketplace operator permits a consumer to download covered foreign software or makes covered foreign software available for download in violation of paragraph (1), the operator shall not be liable for a violation of such paragraph if the operator reasonably relied on inaccurate information from the owner of the covered foreign software in determining that the software was not covered foreign software, and the owner of the covered foreign software shall be considered to have committed the violation of such paragraph.

(b) CONSUMER DATA PROTECTIONS.—

(1) CONSUMER DATA PRIVACY PRACTICES.—

(A) CONSUMER DATA REPORT.—Not later than 30 days after the date of enactment of this section (or in the case of covered foreign software that is created after such date or software that becomes covered foreign software after such date, 60 days after the date that such software is created or becomes covered foreign software), and annually thereafter, an owner of covered foreign software shall submit to the Commission and the Attorney General of the United States a report that includes a complete description of any consumer data privacy practice of the owner as it relates to the data of United States consumers, including—

(i) the type of data of United States consumers being accessed;

(ii) a description of how such data is used by the owner;

(iii) a description of any consumer data protection measure in place that protects the rights and interests of United States consumers;

(iv) information regarding—

(I) the number of requests from a law enforcement agency, intelligence agency, or other government entity of a covered country to disclose the consumer data of a person in the United States; and